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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,581

09/27/2006

Charles Caulder Bree

4529-1001

6799

466 7590 03/11/2008

YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
ALEXANDRIA, VA 22314

EXAMINER

VENNE, DANIEL V

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

03/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,581	<b>Applicant(s)</b> BREE, CHARLES CAULDER	
	<b>Examiner</b> DANIEL V. VENNE	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/27/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A preliminary amendment was received from applicant on 9/27/2006.
2. Claims 3-8 are amended.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. It is noted, however, that the priority document submitted does not show the same drawings or embodiments shown in the application submitted on 9/27/2006 to support any priority benefit.

#### ***Specification***

4. The disclosure is objected to because of the following informalities:

All terms using "mould" and/or "moulding" should be replaced with the terms -- mold -- and -- molding -- throughout the disclosure to correspond with the correct American English spelling of the terms. There are also numerous punctuation and grammatical errors throughout the disclosure.

Appropriate correction is required.

5. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: "zone" and "zones" and the phraseology and grammar used in paragraphs 0006 and 0008 under "Statements of Invention".

***Claim Objections***

6. Claims 1-8 are objected to because of the following informalities:

All terms using "mould", "moulding" and/or "mouldings" should be replaced with the terms -- mold --, -- molding -- and -- moldings -- throughout the claims to correspond with the correct American English spelling of the terms. There are also multiple grammatical and punctuation errors in the claims.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See paragraph 5 above for further clarification.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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11. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “zone” or “zones” in claims 1-8 is used by the claims to mean “section” or “portion”, while the accepted meaning is “area” or “region.” The term is indefinite because the specification does not clearly redefine the term, nor does the disclosure clearly define the term for the term use intended.

12. The claims are generally narrative and indefinite, failing to conform to current U.S. practice. The claims contain numerous grammatical and idiomatic errors; such as incomplete punctuation, and redundant and ambiguous language.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevens (US 5803007). Stevens discloses an assembly of moldings that can be joined together and used as a floating structure (pontoon deck), comprising multiple (at least first, second, third and fourth moldings) each

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produced by a rotational molding process with outer faces incorporating the zone configurations and face-to-face relationship, dispositions and configurations generally recited. The first, second and third zones recited comprise flat portions of outer faces disposed at an angle to one another. The moldings have outer profiles that are substantially similar to one another. The moldings are of molded plastic material. The moldings make up a hull and deck structure (Figs. 1, 2, 23).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens. Stevens discloses all of the claimed features as indicated above, with the exception of the moldings have outer profiles of hexagonal shape. Stevens discloses various shapes of moldings and a particular shape for a molding can be considered an obvious design choice carrying insignificant patentable weight. The hexagonal shape is a known and reliable shape used in construction and one in which occurs naturally in beehives; the shape has proven strength and resiliency. Applicant has also not adequately shown how a hexagonal shape is an essential or critical feature of the claimed invention. In any event, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a

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hexagonal shape as a design choice as an alternative molding shape with Stevens to create the invention as claimed by applicant. The rationale would have been to provide a well known and reliable shape for modular construction of plastic moldings that would provide predictable resiliency and strength.

### ***Conclusion***

17. The prior cited and not relied upon is considered pertinent to applicant's disclosure. Passen et al. (US 6205945 B1), Trepanier (US 6871607 B2) and Hartman (US 6374763 B1) disclose floating assemblies with moldings made from a rotational molding process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel V. Venne whose telephone number is (571) 272-7947. The examiner can normally be reached between 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

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free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (In USA or CANADA) or 571-272-1000.

DVV

/Lars A Olson/

Primary Examiner, Art Unit 3617